

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:)
)
SOUTHWEST CUTTERS, LLC,) Case No. 17-30238-HCM
) Chapter 11
Debtor.)

**LIMITED OBJECTION BY TEXZONA INDUSTRIES, INC. TO
DEBTOR'S MOTION FOR AUTHORITY TO USE CASH COLLATERAL**

TO THE HONORABLE H. CHRISTOPHER MOTT, U.S. BANKRUPTCY JUDGE:

Comes now, Texzona Industries, Inc. ("Texzona"), a creditor and party in interest herein, and files this, its Limited Objection to the Motion for Authority to Use Cash Collateral filed by the Debtor Southwest Cutters, LLC ("Debtor"), and would show the Court as follows:

1. The Debtor leased the premises located at 1430 Gail Borden, Suites B-1, B-2 and C-1 from Texzona. The Lease has expired and the Debtor is holding over.
2. Texzona would show through the proposed budget attached to the Agreed Order Granting Interim Permission to Use Cash Collateral entered on February 17, 2017, the Debtor proposes paying Texzona rent of \$8,000 per month. The actual monthly rent for all three spaces is \$8,375 per month. Pursuant to the Lease, holdover rent is \$10,468.75.
3. In addition, the Debtor owes its monthly share of insurance, property taxes and operating expenses which totals \$5,147.87 per month. The budget does not provide for payment of these common area maintenance charges. The Debtor is continuing to occupy Texzona's property without fulfilling its obligations.
4. As of the petition date of February 13, 2017, the Debtor is in arrears in rent in the amount of \$53,868.16, which amount includes February rent and related charges that were due February 1, 2017.

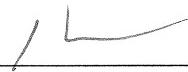
5. Texzona understands that the Court has ordered that Texzona does not have to be paid holdover rent for February 2017. However, Texzona asserts the Debtor needs to pay \$15,616.62 in future monthly holdover rent payments to keep Texzona adequately protected and not allow Texzona to be put in a worse position than it was on the Petition Date.

WHEREFORE, PREMISES CONSIDERED, Texzona Industries, Inc. requests the Court to amend the Debtor's proposed budget to the extent that the Debtor does not propose to pay Texzona the full amount of holdover rent due monthly, and such other and further relief as is just.

DATED this 22nd day of February, 2017.

Respectfully submitted,

GORDON DAVIS JOHNSON & SHANE P.C.
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El Paso, Texas 79912
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By: 
Harrel L. Davis III
State Bar No. 05567560
Attorneys for Texzona Industries, Inc.

CERTIFICATE OF SERVICE

I certify that on the 22nd day of February, 2017, a true and correct copy of the above and foregoing was served upon the attached list of parties via electronic means as listed on the court's ECF noticing system or by regular first class mail:



Harrel L. Davis

Label Matrix for local noticing
0542-3
Case 17-30238-hcm
Western District of Texas
El Paso
Wed Feb 22 09:57:14 CST 2017

A&E Thread
P.O. Box 507
Mount Holly, NC 28120-0507

Southwest Cutters, LLC
1430 Gail Borden Pl., Ste. 1-C
El Paso, TX 79935-4810

U.S. BANKRUPTCY COURT
511 E. San Antonio Ave., Rm. 444
EL PASO, TX 79901-2417

Adjo, Inc.
21 Deleware Ave.
Gloversville, NY 12078-1403

Ascentium Capital Corp Service Co.
P.O. Box 979059
Miami, FL 33197-9059

Ascentium Capital, LLC
P.O. Box 301593
Dallas, TX 75303-1593

Atlas Sewing Parts & Supplies
c/o Tony Silva
1630 Texas Ave. #D
El Paso, TX 79901-1700

Bank of America
P.O. Box 15796
Wilmington, DE 19886-5796

Bank of America Equipment Loan
P.O. Box 660576
Dallas, TX 75266-0576

Brookwood Co.
P.O. Box 890011
Charlotte, NC 28289-0011

CHTD Company
P.O. Box 2576
Springfield, IL 62708-2576

CN-Clark Company
1403 Person St.
Durham, NC 27703-5059

Carlisle Finishing, LLC
714 Bethlehem Pike, #205
Ambler, PA 19002-2655

Chase
P.O. Box 94014
Palatine, IL 60094-4014

Corporation Service Company
P.O. Box 2576
Springfield, IL 62708-2576

Cyberknit
315 W. 39th St., Ste. 709
New York, NY 10018-4043

Direct Capital Bank N.A.
155 Commerce Way
Portsmouth, NH 03801-3243

Diversitex
376 Hollywood Ave.
Fairfield, NJ 07004-1807

Donald Martinez
6035 Laguna Vista
El Paso, TX 79932-4109

El Paso County Tax Assessor/Collector
301 Manny Martinez Dr.
El Paso, TX 79905-5503

El Paso Disposal
5539 El Paso Dr.
El Paso, TX 79905-2907

Estes Express Lines
P.O. Box 25612
Richmond, VA 23260-5612

FedEx Freight
P.O. Box 10306
Palatine, IL 60055-0306

Henderson Fire Protection
P.O. Box 4193
El Paso, TX 79914-4193

Hoy Fox Automotive Market
1122 Airway Blvd.
El Paso, TX 79925-3619

IRS Insolvency Office
300 E. 8th Street, Mail Stop 5026AUS
Austin, TX 78701-3233

Insect Shield, LLC
814 W. Market St.
Greensboro, NC 27401-1813

Internal Revenue Service
Centralized Insolvency Office
P.O. Box 7346
Philadelphia, PA 19101-7346

International Textile Group, Inc.
P.O. Box 741340
Atlanta, GA 30374-1340

Libertas Funding, LLC
382 Greenwich Ave., Ste. 2
Greenwich, CT 06830-6501

Lift Truck Service
206 Raynolds
El Paso, TX 79905-2833

(p) MERCEDES BENZ FINANCIAL SERVICES
13650 HERITAGE PARKWAY
FORT WORTH TX 76177-5323

Miami Thread
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Drexel, NC 28619-3166

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El Paso, TX 79912-4035

Old Dominion
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Dallas, TX 75284-1324

QST Industries
15 West 36th St., #2
New York, NY 10018-7929

SAIA Motor Freight Line, Inc.
P.O. Box 730532
Dallas, TX 75373-0532

SML USA
777 Main Street.
Lewiston, ME 04240-5803

Samuel S. Sipes
6006 N. Mesa, St. 1000
El Paso, TX 79912-4628

SnD Manufacturing Ltd.
122515 Forestgate Dr., Ste. 101
Dallas, TX 75243

TQL Total Quality Logistics
P.O. Box 634558
Cincinnati, OH 45263-4558

Tax Assessor/Collector
P.O. Box 660271
Dallas, TX 75266-0271

Team Growth Fund
c/o Clyde A. Pine Jr.
POB 1977
El Paso, TX 79999-1977

Team Growth Fund, LLC
13168 Saker Dr.
Horizon, TX 79928-6211

Team Growth Fund, LLC
c/o Clyde Pine, Jr.
100 N. Stanton, Ste. 1000
El Paso, TX 79901-1463

Tennessee Attachment Co.
P.O. Box 188
White Bluff, TN 37187-0188

Texas Barcode Systems
P.O. Box 700637
Dallas, TX 75370-0637

Texzona
P.O. Box 522541
El Paso, TX 79952-0009

Texzona Industries, Inc.
c/o Harrel Davis
P.O. Box 1322
El Paso, TX 79947-1322

The CIT GroupCommercial Services, Inc.
Attention: Christine D. Dery, AVP
11 West 42nd Street
New York, NY 10036-8002

U.S. Bank
P.O. Box 790448
Saint Louis, MO 63179-0448

U.S. Bank Equipment Finance
1310 Madrid Street
Marshall, MN 56258-4099

United States Attorney
Civil Process Clerk-
Internal Revenue Service
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216-5512

United States Attorney General
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950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0009

United States Trustee - EP12
U.S. Trustee's Office
615 E. Houston, Suite 533
P.O. Box 1539
San Antonio, TX 78295-1539

Wells Fargo
P.O. Box 51166
Los Angeles, CA 90051-5466

William Stagg P.C.
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Lafayette, LA 70503-2414

Yellowstone Capital, LLC
1 Evertrust Plaza, Ste. 1401
Jersey City, NJ 07302-3087

E. P. Bud Kirk
Terrace Gardens
600 Sunland Park Drive, Bldg 4, #40
El Paso, TX 79912-5115

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Mercedes Benz Financial Services
P.O. Box 5209
Carol Stream, IL 60197-5209

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Apex Mills Corp. c/o Milberg Factors 99 Park Ave.	(d) Team Growth Fund, LLC c/o Clyde A. Pine, Jr. P.O. Box 1977 El Paso, TX 79999-1977	End of Label Matrix Mailable recipients 59 Bypassed recipients 2 Total 61
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